



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4140-99

3 December 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You state in your application that you received a nonjudicial punishment in August or September 1987 which was later removed from your record. However, the entry showing you received NJP was not removed from the Enlisted Performance Record (page 9). You state that because of this erroneous entry on the page 9 you are being denied a Good Conduct Medal, which would have increased your advancement multiple and allowed advancement to ET1 (E-6). You have informed the examiner in your case that you do not have the performance evaluation for the period of the NJP or anything else to support your contention that the NJP was set aside.

A review of the microfiche record maintained by the Navy Personnel Command reveals Administrative Remarks (page 13) entries showing that on 28 August 1987 you received NJP of an oral admonition for an unauthorized absence of about 35 minutes. A copy of this page from the microfiche record is enclosed for your information.

The Board was aware that the NJP evidence is destroyed after two years and the circumstances which led up to the NJP are unknown. Further, there is nothing in the regulations which would allow

for the removal of an NJP based solely on the passage of time. The Board concluded that in the absence of any evidence showing that the NJP has been set aside, it should remain in the record.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director